

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM SHANE YOUNKIN,

Defendant.

CR 15-01-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on February 11, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept William Shane Younkin’s

guilty plea after Younkin appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846 as set forth in the Information. In exchange for Defendant's plea, the United States has agreed not to file an Information under 21 U.S.C. §§ 846 and 851, which would subject the Defendant to an enhanced statutory penalty based on his prior conviction for felony drug offense.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 17), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that William Shane Younkin's motion to change plea (Doc. 4) is GRANTED and William Shane Younkin is adjudged guilty as charged in the Information.

DATED this 2<sup>nd</sup> day of March, 2015.



Dana L. Christensen  
Dana L. Christensen, Chief District Judge  
United States District Court